

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Innovation in the Broadcast Television Bands:)	
Allocations, Channel Sharing and Improvements)	ET Docket No. 10-235
to VHF)	

To: The Commission (electronically filed)

COMMENTS OF BROADCASTER COALITION

1. The broadcasters whose names appear at the end of these comments join in responding to the Commission's *Notice of Proposed Rulemaking* in the above-captioned matter, FCC 10-196, released November 30, 2010. Many of us are religious and minority owned broadcasters, who have united to save free television and free speech and to stop the monopolization of mobile broadband by the cellular carrier cartel.

2. This proceeding is an obvious precursor to new action to take resources away from broadcasting, despite broadcasting's critical role in disseminating ideas without charge to viewers, which is essential to our free society. Broadcasters and citizens spent billions of dollars to complete the digital TV conversion just last year. Broadcasters are now asked to give up another 20 TV channels and auction them off to the highest bidders. This spectrum at auction will inevitably fall into the hands of the largest and most dominant of the existing wireless service providers - as it always has in the past.

3. TV broadcasters have already surrendered Channels 52 through 69 to these very same companies during the last spectrum grab. Now the FCC has announced plans to take another 20 TV channels from an industry still reeling from the last take away. When the proposed auction of currently licensed spectrum takes place, it will be industry giants that will gain control. This will lead to a monopolizing of the public airwaves and will silence many independent voices of the religious broadcasters and community stations that provide platforms for diversity, localism, and faith. We agree with the NAB statement and are "hopeful that going forward, the FCC undertakes a thoughtful process that in no way jeopardizes the digital promise that was made to 43 million Americans who rely exclusively on hyper-local news, entertainment, foreign language and religious programming offered by

free and local broadcasters. Finally, we would respectfully ask for an independent study to confirm Chairman Genachowski's assurances that spectrum suitable for wireless broadband is not lying fallow, given recent verbatim remarks to the contrary from current FCC licensees.”¹

4. The inescapable consequences of the government plan - elimination of local broadcasters, diminishment of religious voices, shackling of technological growth, and destruction of independent businesses and entrepreneurs - is being justified as a move to better serve the broadband needs of our rural communities. We agree with the FCC that this country needs better and more available wireless broadband services, but we differ on the solution. We in fact have a better solution that is clear and provable. Broadband can be delivered to rural towns across the nation faster, better and cheaper by existing broadcasters. Existing local broadcasters are ready, willing and able to deliver broadband to rural America today, and without sacrificing video program services.

5. The answer is deregulation, not government confiscation. The complexity and length of FCC rulemaking actions stand in the way of technological advances. The incentives of cellular carriers to warehouse spectrum in order to create artificial shortages and raise prices has slowed the process to connect America. Under the FCC plan, broadband will not reach rural America for many years, if ever.

6. We oppose any action that will silence thousands of free TV stations across the nation and continue to enslave rural Americans as second class broadband citizens. The public face of this deal is the promise to bring broadband Internet and mobile access to rural areas. However, the reality is just the opposite - a spectrum grab by the largest cellular carriers who have no clear intention, no incentive, and no technology to deliver broadband to rural areas which will hinder, not help rural citizens.

7. We believe firmly that broadcasting is the most efficient use of the spectrum. We have members of our coalition that have developed “free broadband” models ready to deploy over the next six to twelve months using broadcast TV spectrum. The plan is simple and cheap, and it is here and now - harness the power of broadcasting - its ability to deliver the vast amount of common content with one

¹ <http://www.nab.org/documents/newsRoom/pressRelease.asp?id=2471>

transmission to thousands of citizens without wasting thousands of discrete individual one-on-one Internet connections.

8. This is not a future technology that will take years to develop. This is a broadband technology that can be quickly and cheaply deployed right now by local broadcasters while still preserving traditional free over-the-air broadcasts. This is a win-win for our rural citizens - they get to retain their important local TV stations - in fact, America will gain thousands of additional free over-the-air stations - while finally getting the broadband services for which they have been waiting decades and maintaining their local freedom of speech against the strangle hold of national media giants. Best of all - what is being ignored at this point is that a substantial portion of these broadband services provided by existing broadcasters will be absolutely free. Broadcasters will bring to broadband mobile Internet services what they know and do best - advertising-supported free services that combat the burden of ever increasing service charges from the cellular cartel.

9. Far from benefiting local communities, this transfer of the public airwaves into the hands of gargantuan firms will mean less service, less diversity, fewer independent voices, and a government sponsored takeover of private enterprise.

10. Perhaps the hardest hit will be those niche-markets which are so well-served by local broadcasters: low power television stations that provide ethnic, religious and local community programming. This issue really boils down to a restriction of free speech in this country. The redistribution of television air waves from small, community serving and community oriented broadcasters to large corporations which have only one vested interest in the outcome - finance - totally goes against the spirit and the laws of this nation.

11. We ask the FCC to allow all broadcasters the opportunity to provide broadband services with the freedom to implement contemporary technologies on their existing licenses to better serve the public. All broadcasters including the Low Power TV broadcasters, should be a part of the plan to offer inexpensive, dependable, high-speed broadband service across America.

12. The religious broadcasters of America will be especially hard hit by this government initiative. Our coalition includes both low power and full power broadcasters that account for over 1,500

independent local television broadcast licensees that will essentially cease to exist if the FCC prevails in its current initiative.

13. In recent webinars, Media Bureau officials have indicated that Low Power TV broadcasters may simply lose their licenses, with no compensation from the anticipated spectrum auction. This is especially a travesty, as it confiscates the investments and hard sweat that small businesses have invested all over the country while jeopardizing the employment of thousands of people. It is beyond our comprehension that our government could confiscate our assets without any compensation.

14. Again, as a coalition of broadcasters, we agree with the NAB that the “reclamation of TV spectrum will be entirely voluntary, and that broadcasters (including LPTV) who don't 'volunteer' won't be forced into inferior bands. As we've said from the outset, broadcasters will work with policymakers to address the nation's spectrum capacity challenges. The undeniable fact is this: broadcasting's 'one-to-many' transmission system for delivering video to the masses can help solve any spectrum capacity shortages. Compared to the 'one-to-one' transmission scheme of cell phone providers, broadcasters are by far the most efficient users of spectrum.”² We will continue to work to persuade the government to allow us to participate in broadband, as only we can, as local and rural citizens ourselves, who have rural America’s interests truly in our hearts and who respond to public needs apart from the Wall St. economics that drive the large carriers. The “carrier of last resort” concept is virtually dead today, but we are willing to step in and to serve rural America, and with little or no support from the already strained Universal Service Fund. We ask that we be allowed to do so; and if we are not allowed for some reason, and rural America is left to wait years, if not decades for advanced broadband services, then all broadcasters including LPTV must be compensated for the confiscation of our assets.

² *ID.*

Respectfully submitted,



Irwin Podhajser
The Coalition For Free TV & Broadband
15214 SW 25th Terrace
Miami, Florida 33185

Lee Miller
MSGPR Ltd Co
1511 S Chestnut
Lufkin TX 75901

James L. West-President
Legacy Television Network
2607 Success Drive
Odessa, FL 33556

Adrienne J. Weiss
EICB-TV East, LLC
EICB-TV West, LLC
406 Copeland drive
Cedar Hill Texas 75104

Randy Weis
Crosstalk International
655 Grigsby Way
Cedar Hill, TX 75104

David Frank
President
Frank Digital Media
1659 SE 8th Street
Ft. Lauderdale, FL 33316

Harvey Budd
Budd Broadcasting Co., Inc.
4150 NW 93rd Avenue
Gainesville, FL 32653

John Kyle II
President
DTV America Corp
1671 NW 144th Terrace, Suite 106
Sunrise, Florida 33323

Jim Oyster
Channel 38 Christian Television
(KSCE, El Paso, TX)
2201 E. Wyoming Ave.
El Paso, TX 79903

Paul J. Broyles, President
International Broadcasting Network
Post Office Box 691111
Houston, Texas 77269-1111

Roy William Mayhugh
President
KFLA, Channel 8, Los Angeles
701 Perdew Ave.
Ridgecrest, CA 93555

Richard Goetz
President
R & L Media Systems
Rickard & Lisa Goetz Broadcasting
135 N Country Club Drive
Hendersonville, TN 37075

Brian Caterino
Director WGCE-CA
240 Woodcrest Rd
Rochester, NY 14616

Bob Naismith
General Manager
WLLZ-LP
P.O. Box 97
Charlevoix, MI 49720

Jim Lebrato
Owner
WHNE-LP
27251 State Road 54
Suite B14-124
Wesley Chapel, FL 33544

Dowen Johnson
President,
Windsong Communications
KVQT 21 Houston
104 Woodmont
Montgomery, TX 77356

Elliott Block
President
Block Broadcasting Company
7737 Reinhold Drive
Cincinnati, Ohio 45237

Ron Bruno
President
Bruno Goodworth Network, Inc
975 Greentree Road
Pittsburgh, PA 15220

Larry Hunt
General Manager
KGNG
452 E. Silverado Ranch Blvd #471
Las Vegas, NV 89183

Casey Peterson
Casey Peterson & Associates
8588 Dreamscape Road
rapids City, SD 57702

James Gallagher
President
JAG Consulting
10102 Briar Circle
Hudson, Florida 34467

Shewen Zhou
Luckland Corp
3620 Birch Terrace
Davie, Florida 33330

Stephen Classen
1479 SW 15th Terrace
Fort Lauderdale, FL 33312

Carol Ellen Walpole
76 Shore Drive West Kendall Baptist
Miami, Florida 33133

Evaldo F. Dupuy
Coast Investors, LLC
8280 NW 27th Street, Suite 518
Doral, Florida 33132

Kristina Bruni
President
Bella Spectra Corporation
13762 W State Road 84, Suite 81
Davie, Florida 33325

Michael Dagen
Managing Partner
MIK, LLC

Khalid Zaheer
Ameritrade Enterprises, LLC
3950 Birch Terrace
Davie, Florida 33330

Vickie Archiveque
Belmax Broadcasting LLC

Annette Garcia
Son Broadcasting Co. Inc
PO Box 4338
Albuquerque, NM 87196

Robert H. Pettitt, Licensee
KRHP-LD (Channels 14.1; 14.2; 14.3; 14.4)
Facility ID # 56971
The Dalles, OR

David Anderson
President
Venturi Andersoni, LLC
16075 Berger Drive
Eden Prairie, MN 55347

Sarah W. Stopford
4745 River Road
Arlington, VT 05250

LeRoy Hagenbuch
1425 East Glen Avenue
Peoria Heights, IL 61616